

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1116

Introduced by Assembly Member Mountjoy

February 21, 2003

An act to add Section 5101.10 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1116, as amended, Mountjoy. Vehicles: special *recognition* license plates: California National Guard.

(1) Existing law requires the Department of Motor Vehicles to issue environmental and other special license plates to qualified persons upon application and payment of certain fees.

This bill would authorize the department to issue special *recognition* license plates to a current or retired member in good standing of, and to a person who has separated with an honorable discharge from the California National Guard, for specified fees. The bill would permit the member or person to apply for the special *recognition* license plates for one vehicle owned or leased by him or her.

The bill would prohibit a person from falsely representing himself or herself as an active or retired member in good standing of, or as a person who has been honorably discharged from the California National Guard so as to be eligible for the special *recognition* plates, and would make a violation of this prohibition a misdemeanor, punishable by a specified fine, a specified term of imprisonment in the county jail, or by both the fine and imprisonment. The bill thereby would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5101.10 is added to the Vehicle Code,
2 to read:

3 5101.10. (a) A person otherwise eligible under this article
4 who is an active or retired member in good standing of the
5 California National Guard, or who has separated from the
6 California National Guard with an honorable discharge may apply
7 for special *recognition* license plates under this article for one
8 vehicle owned or leased by him or her.

9 (b) The special *recognition* license plates issued under this
10 section shall contain the words “California National Guard” and
11 shall bear the official emblem of the California National Guard.

12 (c) Prior to the issuance of special *recognition* license plates to
13 an applicant pursuant to subdivision (a), the person’s eligibility for
14 the plates shall be determined by the department. The department
15 shall accept any of the following documents as sufficient proof of
16 the applicant’s military status:

17 (1) An active duty military identification card.

18 (2) A retired military identification card.

19 (3) A letter from the person’s unit commander, substantiating
20 the person’s military status. *A spouse of that person may use the*
21 *letter or the spouse’s military identification card to obtain the*
22 *special recognition license plates.*

23 (4) An official military discharge document substantiating an
24 honorable discharge from the California National Guard,
25 including, but not limited to, a DD Form 214.

26 (d) No person may falsely represent himself or herself as an
27 active or retired member in good standing of, or as a person who
28 has been honorably discharged from the California National
29 Guard so as to be eligible for the special *recognition* license plates

1 authorized under this section. A violation of this subdivision is a
2 misdemeanor, punishable as described in Section 42002.

3 (e) The following fees shall be paid by individuals applying for
4 plates under this section:

5 (1) ~~Thirty dollars (\$30)~~ (A) *Fifty dollars (\$50)* for the initial
6 issuance of the plates. The plates shall be permanent and are not
7 required to be replaced unless damaged or unserviceable.

8 (B) *After the first 7,500 special recognition license plates have*
9 *been issued, the department shall charge a fee for the initial*
10 *issuance of the plates that is equal to the department's actual cost*
11 *for producing and issuing the initial plates.*

12 (2) Fifteen dollars (\$15) for transfer of the plates to another
13 vehicle.

14 (3) Thirty-five dollars (\$35) for replacement plates, if they
15 become damaged or unserviceable.

16 (f) Special *recognition* plates issued under subdivision (a) may
17 not be transferred to any other person, except that upon the death
18 of a person issued the special *recognition* license plates, his or her
19 surviving spouse may retain the special *recognition* license plates
20 subject to the conditions set forth in this section. Upon the death
21 of the spouse, the retained special *recognition* license plates shall
22 be returned to the department either within 60 days following that
23 death or upon the expiration of the vehicle registration, whichever
24 occurs first.

25 (g) Any *special recognition* license plates issued under this
26 section shall be issued ~~in accordance with Section 5060, except~~
27 ~~that subdivision (d) of Section 5060 does not apply.~~ *in accordance*
28 *with the participation requirements under Section 5060.*

29 (h) Sections 5106 and 5108 do not apply to this section.

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

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